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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 In Re:

13 350 ENCINITAS INVESTMENTS, LLC,

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15 Debtor.

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17 BARRY J. STONE, and GAS PLUS, a
California Corporation,

18 Appellants,

19 v.

20 350 Encinitas Investments, LLC,

21 Appellee.
22

Civil No. 06-CV-2085 WGH(POR)

Bankruptcy No. 01-01059-A11

**ORDER SETTING BRIEFING
SCHEDULE AND HEARING DATE
FOR BANKRUPTCY APPEAL**

23 The court has set a hearing date for the purposes of this appeal from the United States
24 Bankruptcy Court to be held before the Honorable William Q. Hayes on **APRIL 23, 2007 at**
25 **3:00 p.m. in Courtroom 4.** In preparation for the appeal, the court **ORDERS** the following
26 appeal and briefing schedule:
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- 28 1. This court shall receive a Record of Appeal no later than **FEBRUARY 8, 2007.**

1 These dates apply to any portion of the bankruptcy court's decision that is being appealed by
2 appellant or cross-appealed by appellee. It is counsels' obligation, after determining those
3 sections of the record relevant to the motion, to notify the court reporter and arrange for the
4 desired portions of the transcript to be prepared and sent to the bankruptcy appeals clerk at the
5 U.S. Bankruptcy Court. *See* FED. R. BANK. P. 8007; General Order 312-D, § 2.03. All counsel
6 intending to appeal a portion of the bankruptcy court's decision, therefore, must notify the court
7 reporter in a timely fashion so that the transcripts may be completed and submitted to the appeals
8 clerk of the Bankruptcy Court. Each counsel must also provide two copies of any documents he
9 or she wants made part of the record to the bankruptcy appeals clerk of the Bankruptcy Court so
10 the bankruptcy appeals clerk can certify those documents and transmit them to this court.¹ Each
11 counsel is solely responsible for monitoring the process governing the completion of the record
12 to ensure that this court is provided a certified Record on Appeal under the time table established
13 in this Order. If appellee intends to certify portions of the record after receiving the submissions
14 by appellant, then attorney(s) for appellees must do so with such rapidity as to comply with the
15 briefing schedule outlined below.

16 2. No later than **MARCH 5, 2007**, appellant shall serve and file its opening brief and
17 supporting evidence. The motion shall comply with the Local Rules for the U.S. District Court
18 for the Southern District of California, Civil Local Rule 7.1.h. Any cross-appeals shall be
19 treated as opening motions for purposes of this briefing schedule and filed by this date;

20 3. No later than **MARCH 30, 2007**, appellee shall serve and file its responsive brief
21 and supporting evidence. This responsive brief shall comply with the Local Rules for the U.S.
22 District Court for the Southern District of California, Civil Local Rule 7.1.h;

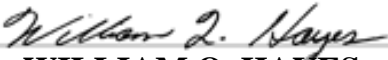
23 4. No later than **APRIL 11, 2007**, appellant shall serve and file any reply brief and
24 any evidence directly rebutting the supporting evidence contained in appellee's response. This
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26 ¹ After filing the Notice of Appeal in the district court, the appealing party must file a
27 Designation of Record. This document notifies the bankruptcy court of the portions of the
28 record that are being appealed to the district court. After designation of the record, a period of
time elapses during which the bankruptcy court completes the record for transmittal to the
district court.

1 Reply shall comply with the Local Rules for the U.S. District Court for the Southern District of
2 California, Local Civil Rule 7.1.h.

3 **IT IS SO ORDERED.**

4 DATED: January 24, 2007

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6 **WILLIAM Q. HAYES**
7 United States District Judge
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